



General Assembly

February Session, 2008

Amendment

LCO No. 5632

HB0580005632HDO

Offered by:

REP. FELTMAN, 6th Dist.
REP. MCCRORY, 7th Dist.
REP. MCCLUSKEY, 20th Dist.
REP. KIRKLEY-BEY, 5th Dist.
REP. MORIN, 28th Dist.
REP. GENGA, 10th Dist.

REP. CLEMONS, 124th Dist.
REP. GREEN, 1st Dist.
REP. GONZALEZ, 3rd Dist.
REP. CHRIST, 11th Dist.
REP. HEWETT, 39th Dist.
REP. WALKER, 93rd Dist.

To: Subst. House Bill No. 5800

File No. 348

Cal. No. 214

"AN ACT CONCERNING THE CHARTER OF THE METROPOLITAN DISTRICT OF HARTFORD COUNTY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 39 of number 511 of the special acts of 1929, as
4 amended by special act 80-14 and special act 90-14, is amended to read as
5 follows (*Effective from passage*):

6 (a) As used in this section:

7 (1) "Lowest qualified bidder" means the bidder whose bid is the
8 lowest of those bidders possessing the skill, ability and integrity
9 necessary to faithful performance of the work based on objective

10 criteria considering past performance and financial responsibility;

11 (2) "Minority business enterprise" means any small contractor (A) of
12 which twenty-five per cent of the employees are members of a
13 minority, (B) in which fifty-one per cent or more of the capital stock, if
14 any, or assets of which are owned by a person or persons who (i) are
15 active in the daily affairs of the enterprise, (ii) have the power to direct
16 the management and policies of the enterprise, and (iii) are members
17 of a minority, and (C) that has a certificate of eligibility issued by the
18 Department of Administrative Services under regulations adopted
19 under section 4a-60h of the general statutes;

20 (3) "Minority" means (A) Black Americans, including all persons
21 having origins in any of the black African racial groups not of Hispanic
22 origin, (B) Hispanic Americans, including all persons of Mexican,
23 Puerto Rican, Cuban, Central or South American or other Spanish
24 culture or origin, regardless of race, (C) Asian Pacific Americans and
25 Pacific Islanders, or (D) American Indians and persons having origins
26 in any of the original peoples of North America and maintaining
27 identifiable tribal affiliations through membership and participation or
28 community identification;

29 (4) "Responsible" means the ability to perform a contract for the
30 amount specified in a submitted bid; and

31 (5) "Small contractor" means any contractor, subcontractor,
32 manufacturer or service company (A) that has been doing business
33 under the same ownership or management and has maintained its
34 principal place of business in the state for a period of at least one year
35 immediately prior to the date of application for certification under
36 regulations adopted under section 4a-60h of the general statutes, (B)
37 that had gross revenues not exceeding ten million dollars in the most
38 recently completed fiscal year prior to such application, and (C) of
39 which at least fifty-one per cent of the ownership is held by a person or
40 persons who exercise operational authority over the daily affairs of the
41 business and have the power to direct the management and policies

42 and receive the beneficial interests of the business, except that a
43 nonprofit corporation shall be construed to be a small contractor if
44 such nonprofit corporation meets the requirements of subparagraphs
45 (A) and (B) of this subdivision.

46 (b) Whenever any work shall be necessary to execute or perfect any
47 public work or improvement, or whenever any supplies for the district
48 shall be needed for any particular purpose and such work or supplies
49 shall involve the expenditure of more than [ten] ~~twenty-five~~ thousand
50 dollars, except in the case of an emergency to be determined by the
51 district board, a written contract for such work or supplies shall be made
52 under such regulations ~~or ordinances~~ as the district board may establish,
53 which contract shall be based on sealed bids. [made in compliance with
54 public notice, duly advertised by publication, in a daily newspaper
55 published in said district, at least five days before the time fixed for
56 opening such bids or proposals.] ~~At least ten calendar days before the~~
57 time fixed for opening competitive bids or proposals, the district shall
58 solicit competitive bids or proposals by (1) publishing notice in daily and
59 weekly newspapers servicing the member municipalities, and (2) posting
60 notice on the Internet web site of the district. The district may send such
61 notice to trade associations or other groups active in the business or
62 service solicited. Each contract awarded by the district shall be awarded
63 to the qualified bidder submitting the lowest bid in compliance with bid
64 requirements, except as provided in this subsection.

65 (c) Pursuant to the provisions of a minority business disparity study
66 conducted by the district, the district may waive the provisions of
67 subsection (b) of this section concerning selection of the lowest qualified
68 bidder if a responsible qualified bid is submitted by a minority business
69 enterprise or by a nonminority business enterprise participating in a
70 responsible qualified bid with a minority business enterprise. In the case
71 of a bid submitted by a nonminority business enterprise participating in
72 a responsible qualified bid with a minority business enterprise, the
73 district shall give priority to such bid in an amount equal to the
74 proportion of participation by a minority business enterprise in the
75 responsible qualified bid.

76 (d) Pursuant to the provisions of a minority business disparity study
77 conducted by the district, in awarding a contract, a bid shall be
78 considered to be the same as the lowest qualified bid if such bid is not
79 more than five per cent greater than the amount of the lowest qualified
80 bid and the responsible contractor that submitted the bid agrees to
81 perform the contract for the amount of the lowest qualified bid. Such
82 bids shall be considered in the following order of priority: (1) A minority
83 business enterprise whose principal place of business is located in a
84 member municipality of the district, (2) a minority business enterprise
85 whose principal place of business is located in a member municipality of
86 the district, participating with a nonminority business enterprise whose
87 principal place of business is located in a member municipality of the
88 district, (3) a minority business enterprise whose principal place of
89 business is located in a member municipality of the district, participating
90 with a nonminority business enterprise, and (4) a minority business
91 enterprise whose principal place of business is not located in a member
92 municipality of the district.

93 (e) If a bid selected includes participation by a minority business
94 enterprise, the contract or subcontract shall be performed with at least
95 the same proportion of minority business enterprise participation as the
96 priority that was given by the district to the general contractor or
97 subcontractor in evaluating the bid. If more than one minority business
98 enterprise submit bids that are not more than five per cent greater than
99 the lowest qualified responsible bid and such bids are in the same
100 priority category established in subsection (d) of this section, then the
101 contract shall be awarded to the minority business enterprise submitting
102 the lowest responsible qualified bid whose original bid was lower.

103 (f) If a contract or subcontract awarded to a nonminority business
104 enterprise includes participation by a minority business enterprise, the
105 general contractor or subcontractor shall submit to the district every
106 thirty days after the date the work has commenced under the contract or
107 subcontract a report which describes the extent of minority business
108 enterprise participation in performance of the contract or subcontract.
109 Such report shall identify all subcontracts and the dollar value of the

110 contract between the general contractor and the subcontractor. If the
111 extent of minority business enterprise participation in such contract is
112 less than the amount of priority that was committed at the time of the
113 award, the district may (1) claim any retainage payable under the terms
114 of the contract, and (2) disqualify the bidder from any future contracts.

115 (g) The district may waive the provisions of subsection (b) of this
116 section to apply, by regulation or ordinance, the procedures described
117 in the Federal Acquisition Regulation System, as amended, to
118 implement construction delivery systems, acquisition policies and
119 procedures, or to increase contract participation by small contractors,
120 minority business enterprises and businesses located in member
121 municipalities of the district.

122 (h) The district shall establish a program to assist potential minority
123 business enterprises in obtaining technical assistance or bonds to ensure
124 performance completion in contracts awarded by the authority.

125 (i) The district may adopt regulations or ordinances to implement
126 the provisions of this section. The district shall send a copy of such
127 regulations or ordinances to the joint standing committees of the
128 General Assembly having cognizance of matters relating to planning
129 and development and to commerce, and to the Office of Workforce
130 Competitiveness.

131 (j) Subject to regulations adopted by the Commissioner of
132 Environmental Protection under section 22a-482 of the general statutes
133 and the provisions of the general statutes, the (1) district shall pay any
134 uncontested sum due any contractor under a contract awarded by the
135 district not later than sixty days after its completion and acceptance.
136 After such sixty-day period, interest shall begin to run in favor of the
137 contractor at the rate of six per cent per annum on the unpaid balance.

138 (2) Each contractor awarded a contract by the district shall pay any
139 uncontested amounts due any subcontractor not later than thirty days
140 after the date the contractor receives payment from the district for the
141 labor performed or materials furnished by such subcontractor. After

142 such thirty-day period, interest shall begin to run in favor of the
143 subcontractor at the rate of six per cent per annum on the unpaid
144 balance."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 511 of the special acts of 1929, Sec. 39